

REMARKS

This Amendment and Response is submitted in response to the Office Action mailed 7 JULY 2003. Withdrawal of the rejection and reconsideration with an eye toward allowance is respectfully requested.

Claim Status

Claims 1-9, and 24-42 are pending after entry of the present amendment, with claims 1-9 being withdrawn. Claims 10-23 stand rejected. Claims 1-9 are withdrawn herein, claims 10-23 cancelled, and claims 24-42 added. A complete listing of all claims that are, or were in the application, along with an appropriate status identifier, is provided above in the section entitled "Amendments to the Claims". Markings are provided on claims amended in the present amendment.

Support for the above claim amendments can be found throughout the originally filed specification, drawings, and claims. For example, see page 67, line 36 – page 68, line 2.

Election/Restriction

Applicant confirms the telephone election by Renee M. Kosslak on 6/20/03. Applicant elects Group II, claims 10-23 for further prosecution on the merits. The election is made without traverse, and Applicant has withdrawn claims 1-9.

Claim Rejections – 35 U.S.C. §102

Claims 10-16, 18, 19, 21, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Kercso et. al. (U.S. Patent Number 6,132,685).

Without admitting the propriety of the rejection, Applicant has cancelled claims 1-16, 18, 19, 21, and 22, without prejudice or disclaimer towards presenting them in a related application. Accordingly, Applicant submits that the 35 U.S.C. §102 rejection of claims 10-16, 18, 19, 21, and 22 over Kercso is moot.

In the interest of a complete response and furthering prosecution, however, Applicant will briefly discuss new claims 24-42 in light of the Kercso reference.

Kercso discloses systems, devices and methods for analyzing a large number of sample compounds contained in standard multiwell microtiter plates. The multiwell plates travel along a conveyor system to a test station having a microfluidic device (see Abstract).

Applicant submits that Kercso does not disclose or suggest a "substrate comprising an array comprising a plurality of test sites, each test site comprising: i) a different capture binding ligand; ii) a different target analyte; and iii) a label", as recited in new claim 24. Further, Applicant does not disclose, "inserting a first biochip into a first station of an analysis device" and "inserting a second biochip into a

second station of the analysis device". Instead, Kercso discloses moving a microtiter plate along a conveyer belt.

Accordingly, Applicant submits that new claims 24-42 are patentable over Kercso.

Claim Rejections – 35 U.S.C. §103

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kercso in view of Beecham (U.S. Patent Number 5,876,926).

Without admitting the propriety of the rejection, Applicant has cancelled claim 17, without prejudice or disclaimer towards presenting it in a related application.

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kercso in view of Przygoda, Jr. (U.S. Patent Number 5,438,607).

Without admitting the propriety of the rejection, Applicant has cancelled claim 20, without prejudice or disclaimer towards presenting it in a related application.

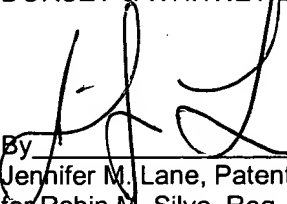
Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kercso in view of Phipps (U.S. Patent Number 6,579,231).

Without admitting the propriety of the rejection, Applicant has cancelled claim 23, without prejudice or disclaimer towards presenting it in a related application.

CONCLUSION

Applicants submit the claims are in condition for allowance, and notification of such is respectfully requested. If after review, the Examiner feels there are further unresolved issues, the Examiner is invited to call the undersigned at (415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY LLP


By _____
Jennifer M. Lane, Patent Agent, Reg. No. 51,916
for Robin M. Silva, Reg. No. 38, 304
Attorney for Applicants

Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989

Serial No.: 09/760,384
Filing Date: 11 JANUARY 2001

Fax: (415) 398-3249
SF-1125218